

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Manabu Kii, et al.
For : SERVICE OFFERING SYSTEM, MANAGEMENT SERVER,
SERVICE PROVIDER, TERMINAL DEVICE, STORAGE
MEDIUM ISSUING APPARATUS, SERVER OFFERING
METHOD, AND STORAGE MEDIUM
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Examining Attorney : Kindred, Alford W.
Art Unit : 2163
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Name of Applicant, Assignee or Registered Representative

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Signature

November 15, 2005

Date of Signature

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop Appeal Brief-Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-145114

Sir:

Applicants request review of the Final Rejection dated September 15, 2005 in the above-captioned application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. Please consider the reasons stated herein.

REASONS FOR REQUEST

Claims 1-10, 12-14 and 26 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,119,133 to Nusbickel et al. (hereinafter, merely “Nusbickel”) in view of U.S. Publication No. 2002/0010684 to Moskowitz (hereinafter, merely, “Moskowitz”). Applicants respectfully traverse the rejection.

As stated in Applicants’ response filed March 18, 2005, claim 1 recites that the service offering system records a unique identifier to each of a plurality of package storage media issued and the database stores and manages the identifiers. When a user uses the package storage medium at a terminal device, the checking means checks the identifier of the storage medium against the identifiers stored in the database, and according to the result of check, service offering means offers a service to the terminal device at which the package storage medium is used. As a result, the system of present invention aims to offer a service to the user who has a specific package storage medium in which the identifier is stored. The user can get a service because he has the package storage medium storing a unique identifier. Also, the storage medium is a kind of package type so a user can carry it out.

Specifically, independent claim 1 recites, *inter alia*:

“A service offering system from a server to a terminal device...

recording means for recording a unique identifier to each of a plurality of package storage media issued;

...service offering means for offering a service to said terminal device corresponding to the package storage medium identified by the checked identifier depending on a result of the check by said checking means.” (emphasis added)

Applicants respectfully submit that Nusbickel and Moskowitz, taken alone or in combination, fail to disclose or suggest recording means for recording a unique identifier to each

of a plurality of package storage media issued and the service offering means for offering a service to said terminal device corresponding to the package storage medium identified by the checked identifier depending on a result of the check by said checking means, as recited in claim 1.

Applicants submit that, as disclosed in Nusbickel, the database has a unique ID but it is not a package type. Furthermore, the service offering is not for the database server and since a user can't have the database, it is impossible to receive a service based on the identifier of the database.

As understood by Applicants, Moskowitz fails to disclose the service offering service based on the unique identifier to each of a plurality of storage media issued.

Furthermore, Applicants submit that the combination of Nusbickel and Moskowitz is improper because it lacks motivation. Applicants submit that one skilled in the art would not be motivated to combine Nusbickel with Moskowitz since Moskowitz is directed to a trusted transaction for sellers and buyers of goods that utilizes a certified authority (see Figure 13). Indeed, the use of a certified authority, as described in Moskowitz, teaches away from the present invention. Therefore, Applicants submit that the combination of Nusbickel and Moskowitz is improper.

For the above-stated reasons, Applicants respectfully submit that independent claim 1 is patentable.

Independent claims 7 and 8 are similar in scope to claim 1 and are believed patentable for similar reasons.

Independent claim 10, as amended, recites, *inter alia*:

“...receiving means for receiving right information that denotes services available to a package storage medium and identifiers

from said package storage medium issuing party issuing a plurality of storage media identified by said identifiers which differ from one another;

...checking means for checking the identifier transmitted from a terminal device by way of a service provider against said identifiers stored in said storing means.” (emphasis added)

Applicants submit that Nusbickel or Moskowitz, taken alone or in combination do not teach or suggest the above-identified features of claim 10. Specifically, the cited art fails to teach or suggest checking the identifier transmitted from a terminal device by way of a service provider against said identifiers stored in said storing means, as recited in independent claim 10.

Furthermore, Applicants submit that the statements regarding the improper combination stated in relation to claim 1, also apply to claim 10.

Therefore, Applicants respectfully submit that independent claim 10 is patentable.

Independent claim 26 recites, *inter alia*:

“A service offering method for offering a service from a server to a terminal device...

recording a unique identifier to each of a plurality of package storage media issued;

...checking the identifier read from the package storage medium against said identifiers stored in said database; and

offering a service to said terminal device corresponding to the package storage medium identified by the checked identifier.” (emphasis added)

Applicants submit that Nusbickel and Moskowitz, taken alone or in combination, do not teach or suggest the above-identified features of new independent claim 26. Specifically, the cited art fails to teach or suggest checking the identifier read from the package storage medium against said identifiers stored in said database; and offering a service to said terminal device corresponding to the package storage medium identified by the checked identifier, as recited in independent claim 26.

Furthermore, Applicants submit that the statements relating to the improper combination of Nusbickel and Moskowitz, stated above, also apply to claim 26.

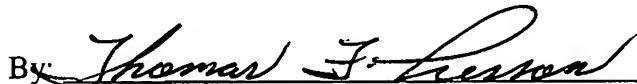
Therefore, Applicants respectfully submit that independent claim 26 is patentable.

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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